

**ARC 6441B**  
**ENVIRONMENTAL PROTECTION COMMISSION [567]**  
**Adopted and Filed Without Notice**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 60, "Scope of Title—Definitions— Forms—Rules of Practice," Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and Chapter 63, "Monitoring, Analytical and Reporting Requirements," Iowa Administrative Code.

The purpose of the amendments is to update references to federal effluent and pretreatment standards and associated analytical methods. References to federal effluent and pretreatment standards found in rules 567—62.4(455B) and 567—62.5(455B) are amended to reflect updates to 40 Code of Federal Regulations (CFR). The change to rule 567—60.2(455B) updates the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2007. The change to subrule 63.1(1) updates the reference to the latest federally approved methods for the analysis of wastewater samples.

Since these rules were last updated in 2006, there have been no amendments to the Clean Water Act or to federal toxic effluent standards adopted by reference in rule 567—62.5(455B). On March 12, 2007, the Environmental Protection Agency (EPA) updated the approved analytical test methods in 40 Code of Federal Regulations (CFR) Part 136. This update included methods for bacterial monitoring and removed tables from specific federal effluent guidelines and replaced them with references to the methods in 40 CFR Part 136.

In accordance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary. Under rule 567—62.2(455B), the Commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The Commission found that public participation is unnecessary since the Commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have continued EPA approval of the Department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than the promulgated federal standards. In accordance with Iowa Code section 17A.4(2), the Commission also finds that notice and public participation are unnecessary when references to approved methods for analysis are updated, because these methods are required by EPA to be used to implement federal effluent and pretreatment standards.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.  
These amendments may have an impact upon small businesses.  
These amendments shall become effective on January 9, 2008.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend rule **567—60.2(455B)**, definition of "Act," as follows:  
"Act" means the Federal Water Pollution Control Act as amended through July 1, ~~2006~~ 2007, 33 U.S.C. §1251 et seq.

ITEM 2. Amend rule 567—62.4(455B), introductory paragraph, as follows:  
**567—62.4(455B) Federal effluent and pretreatment standards.** The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~2006~~ 2007, are applicable to the following categories:

ITEM 3. Amend rule 567—62.5(455B) as follows:  
**567—62.5(455B) Federal toxic effluent standards.** The following is adopted by reference: 40 CFR Part 129, revised as of July 1, ~~2006~~ 2007.

ITEM 4. Amend subrule **63.1(1)**, paragraph "**a**," as follows:  
a. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136, revised as of July 1, ~~2006~~ 2007.